

I, Subhanah Wahhaj (DOB 2/28/83) do hereby declare, under penalty of perjury under the laws of the United States of America, that the following is true and correct:

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

JAN 17 2023

MITCHELL R. ELFFERS
CLERK

My declaration (Subhanah Wahhaj)

After my brother, Siraj, ran into the trailer, someone was here on the land, I peeked my head outside of the trailer to see what was going on. I saw law enforcement men with their guns pointed towards the trailer. I was ordered to come out with my hands up. I complied right away and began to walk out of the trailer with my hands up. The pants that I was wearing, under my black jilbab, (a dress commonly worn by Muslim women) was too big for me so I stopped to pull up my pants. However, I was ordered again to put my hands up, so I immediately put my hands back up after pulling up my pants and I continued to walk towards the law enforcement officers. There was a time again when my pants ~~set~~ was beginning to fall down and I pulled my pants up again. Again, I was ordered to put my hands up, which I did right away as I continued to walk towards the officers. Upon making it to one of the law enforcement men, who waited for me, I was handcuffed and taken to this area on the land, which was right across from my husband's truck. I saw my husband, Lukas who had been handcuffed and was standing right next to his truck, along with a couple of law enforcement officers. My husband and my brother, Siraj let the men know that I was pregnant; they were upset because I had been handcuffed.

Cont. My declaration (Subhanah Ualikaj)

Soon after, I saw my sister, Hujrah, my sister-in-law Jany and the rest of the children ^(excluding my children who were in the truck) come out of the trailer and walk in a line. They were directed to join me.

As Jany approached me, she compassionately asked why I was handcuffed. I responded that I didn't know. Upon hearing this, the officer took off my handcuffs. Jany, Hujrah nor anyone else had been handcuffed, only Lucas, Siraj and I but now that the officer took off my hand cuffs, Lucas and Siraj were the only ones who remained hand cuffed. Lucas and Siraj were arrested and taken away by the police, and the rest of us waited as the TCSO police and special operating forces searched the premises and watched over us. The children were given water and snacks and periodically we would take the children to relieve themselves.

It was August 3, 2018. This was the day that TCSO and special operating forces raided our land in New Mexico. CYFD case worker Tony Barajas and another female officer from CYFD arrived and we were informed that our children would be taken into protective custody. Jany told them that "we have family" but the female CYFD officer countered by saying: "you guys have been living like this for a long time."

Cont. My declaration (Subhanah Walihaaj)

After noticing Tony Barajas about to take a picture, Jany politely asked if pictures could not be taken but Barajas promptly took a picture and then said: "too late!" Sheriff Hogrebe kept questioning Jany. The sheriff also asked me some questions but it was clear that he was getting frustrated because he wasn't getting the answers that he was seeking. After a few hours, we were all forced to leave the land. Transportation was provided for us and the 3 adults, Jany, Hujrah and myself were transported to the CYFD office separately from the children. At the CYFD office we met our children with smiling faces. Pizza was ordered for all of us and we talked with our children and ate pizza with them. Throughout the time there, they would call out Jany, Hujrah and me but separately, but they never told us why. I assumed it was related to the children but was in for a huge surprise. It wasn't until I was alone in a room with two other people, that I learned they were FBI agents, one male and one female. The male officer was agent Taylor; he sat in a chair in the back of the room, quietly observing and listening with a note pad ready to take notes. The female officer sat in the front and she did all of the talking. I was polite and I entertained the agent's questioning but I knew something was up.

Cont. My declaration (Subhana Nabli)

First off, we were tricked into going in a room to speak with the FBI agents; we were not informed ahead of time why we were called out. I was about 8 months pregnant and exhausted; since the morning our home was raided, and we had undergone trauma and shock. Our lives were disrupted and we were informed that our children would be unjustly taken from us and that we were forced to leave our home. What's worse, we had to witness our family being arrested and taken away from us; my husband, Lucas and my brother, Siraj were in custody but we didn't know where or why. We had no idea how long they would be in custody and we were concerned about their well-being. Our families were ^{torn apart,} ~~disrupted~~, our lives were disrupted and we had no idea what was taking place or how we would recover and recuperate. I was severely distressed and drained and was in desperate need of rest. Already, we had undergone such an ordeal but for me it was twice as tough because I was pregnant and I was so late in my pregnancy; the load was heavy and the events had taken a toll on me physically, mentally, emotionally and in every way. I had desperately been trying to keep it together for myself, my unborn baby and my children, whose trauma was only beginning, and now I had been

5

cont. My declarations (Subhanah Wailhaj)

tricked into talking to FBI agents. Clearly, this was a set-up. I didn't even have the energy for this, but I put on a smile and pushed myself, for the sake of being cooperative, but I really didn't want to participate at all. I started off answering the agent's questions but when she didn't get the answers she was looking for, she began to get aggressive and started rattling questions off to me, back to back. It became clear to me why they were there; my inclinations in the beginning was right. In the beginning, the FBI agent assured me that I "wasn't in any trouble" and she seemed polite at first. I was being led to believe that it was just a conversation, when in reality I knew anything I said would be used against me. My rights were never read to me. Once I started feeling uncomfortable and felt like proceeding wasn't a good idea, I told the FBI agent that if she had any more questions, my lawyer could answer those questions for her. She replied with, "thank you for that" with a smile. I could tell that she was impressed that I knew my rights; I knew that I wasn't obligated to talk with her. She said her last words to me and I was excused.

6

cont. My declaration (Subhana Waliha)

At one point, while waiting at the CYFD office, Jany, Hujrah and I were called into a room together. When we walked in, we learned that an officer wanted to talk with us: Sargent Rael. He told us that we had to sign a summons, in regards to "trespassing" on someone else's property or something of that regards. Jany asked what would happen if we didn't sign it and Sargent Rael responded that he would have to handcuff us and take us to jail. As a result of that information we were given, we decided to sign the summons. He informed us that we would have to go to court at the appointed time in regards to the summons.

After we were done with everything and the children were picked up by their new foster parents, Jany, Hujrah and I were told that we would stay at a women's shelter (CAV) for the weekend. I thought that was nice of them to make such arrangements for us but later I learned that this was to ensure that they knew where we were located so that we could be arrested two days later. CYFD had worked together with the law enforcement to take our children away from us unjustly and to ensure that they

7

Cont. My declaration (Subhanah Walhaj)

Would have the upper hand and a great advantage over us. Of course, at the time I didn't know this.

In fact none of us knew what they were up to. The 3 of us were given a ride to Community Against Violence (CAV) and were greeted by a very kind and generous woman. She showed us around, made us feel comfortable and told us that if we needed anything, to let her know.

The 3 of us shared a bedroom, which had a restroom included inside the bedroom. We were given coupons and told that we could go to the thrift shop, located not far from CAV and were told that we could submit the coupons for clothes and other items, so the next day we walked to the thrift shop. I became excited when I saw a bunch of toys that were educational in nature and age appropriate for my children. I cashed in coupons for toys for my children and a few items for myself. I delighted in being able to gift my children with something and was overjoyed with my "purchases."

After staying at CAV for 2 days ~~we~~ we were asked by a staff member at CAV if we wanted to visit with our children. We answered in the affirmative and hurriedly got ready. I made sure I got the toys for the children. We exited our room and saw Tony Barajas waiting for us.

cont. my declaration (Subhanah Ullahaj)

Right away Tony Barajas said that "the baby" is having a hard time. He was referring to Jany's baby, Naseebah. Jany was had been breast feeding Naseebah exclusively and now that she was taken from her, this was a major problem.

Naseebah had not been given anything else except milk from Jany's breast and now that they were trying to force store-bought milk and food on to her, she wasn't taking it. Not only was her nutrients taken from her, but the source of comfort and love was being deprived from her as well. This was a great injustice, both to mother and child.

Once we got to the CYFD office, we were lead to a room where we sat with Tony Barajas and another female CYFD worker, but the interesting thing is they didn't have much to say. Then suddenly Barajas appeared to look out of the office and ask the other CYFD worker if she was expecting someone and she responded in the negative. Minutes later, 3 officers walked in the room and one of the officers pulled out a paper explaining they had 48 hours to charge us with 12 counts of child abuse charges. Then he told us that he would arrest us and take us to jail. Along with taking the toys for the children, I also brought my purse along with a writing pad, which I used as a diary. I wrote my personal feelings in that diary.

Cont. My declaration

When I learned that we would be arrested, I immediately tore out the pages of my diary. I had issues that I was trying to work out, which is why I wrote in my diary and since it was personal, I didn't want anyone to read it. In my diary I mentioned my grievances with Jany and I didn't want anyone to see it. I was quite embarrassed about it and I knew that they would go through my diary, which is why I tore it up right away before I was arrested. I was embarrassed and didn't want anyone to bear witness to the negativity that I had written. I felt like if anyone read it, they would have been intruding on my personal space. Jany, Huyrah and I were arrested and taken to jail separately, each in a different car. We then stayed at a county jail in New Mexico for almost a month, until our case was dismissed. After being released, Lucas and I noticed that we were followed by cars, but we didn't know who they were. After being free for just 2 days, Lucas and I were arrested again, but this time we were facing federal charges.

Our children have been negatively impacted from being torn away from their parents and having their family disunited and disrupted. The impact of this trauma has affected them long-term.

Cont. My declaration

First, the emotional negative impact of being forced to separate from their parents cannot be measured.

My oldest daughter, Aisha mentioned crying for hours at night because she missed her parents so much. Imagine the devastating emotional toll of my children younger than her; Asiya was 6 years old, Abdullah was ~~4 year~~ 3 years old and Ayara, the baby at the time was only 1 year ^{when they were taken from us} old. After we were prevented from communicating with our children for such a long period, once we finally did reconnect with them, my children had suffered a great deal. Once I finally spoke with Ayara she had not even remembered me.

She talked shyly with me over the phone and in a low tone as if she didn't know me. Abdullah had been diagnosed with ADHD and could not sit still and he had great difficulty comprehending and/or focusing. He couldn't even focus during a short conversation with me over the phone and I wondered if he even comprehended that he was speaking with his mother on the phone, even though this was told to him.

Cont. My declaration

My daughter, Aisha had a hard time adjusting with her "new family" and she was diagnosed with depression. Although prior to this ordeal, she was a happy child who expressed herself freely, now whenever I attempted to talk to her, she was withdrawn and only gave one-word answers. She was very guarded and now had a hard time trusting people and I could understand why after all that she's been through.

Asiya also had a very difficult time after being separated from her parents. I recall my mom informing me that the foster parents noticed that when the other children danced, Asiya would sit on her bed looking sad.

Perhaps we would never know the full impact of this ordeal on my unborn baby, ^{at the time,} Abdur Rahman who was made to endure the trauma and stress as I was arrested and forced to stay in jail while pregnant. After finding ~~+~~ comfort in his ~~is~~ mother's womb for 10 months and being breast fed for only 2 days, he was torn from his mother, never again to be breast fed, cuddled or even touched ^{or comforted} by her again.

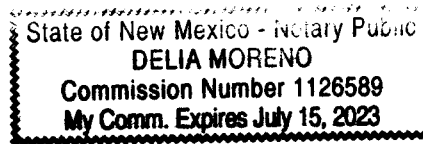
12

Cont. My declaration

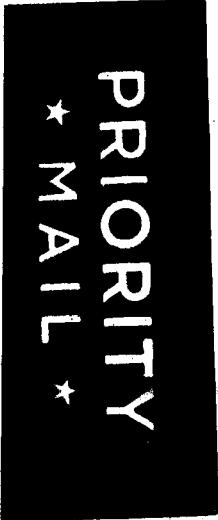
Not only has this whole ordeal affected me adversely but it has negatively impacted all of my children mentally, physically, emotionally and in every other way. They experienced shock, trauma and to this day they are still affected by the raid of law enforcement, the incarceration of ~~their~~^{between} parents and the forced separation of them and their parents. Not only was it unjust for the parents but it's unjust that the children were made to suffer in such ways, and they continue to suffer to this day.

I affirm this declaration is true and correct. Executed this 13 day of January 2023

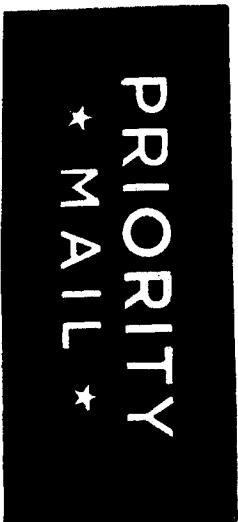
Abraham Tlahuaj



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